

MESSAGE NO: 8050112 MESSAGE DATE: 02/19/1998

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/09/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON ANTIUDMPING DUTY ORDER ON CERTAIN CASED PENCILS
FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-827)

MESSAGE NO: 8050112 DATE: 02 19 1998

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 827 - -

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PERIOD COVERED: 02 09 1998 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING ON ANTIUDMPING DUTY ORDER ON CERTAIN
CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-827)

1. ON FEBRUARY 9, 1998, IN RESPONSE TO A REQUEST BY CREATIVE
DESIGNS INTERNATIONAL, LTD., (CDI), THE DEPARTMENT OF COMMERCE
ISSUED A FINAL SCOPE RULING THAT "NATURALLY PRETTY," A YOUNG
GIRL'S 10 PIECE DRESS-UP VANITY SET, INCLUDING TWO 3-INCH
PENCILS, IS OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON
CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-827).

2. THE COMMERCE DEPARTMENT DETERMINED THAT "NATURALLY PRETTY"

IS OUTSIDE THE SCOPE OF THE ANTIDUMPING ORDER BECAUSE THE PHYSICAL CHARACTERISTICS OF THE MERCHANDISE, THE EXPECTATIONS OF THE ULTIMATE PURCHASERS, THE ULTIMATE USE, AND THE MANNER IN WHICH THE MERCHANDISE IS ADVERTISED AND DISPLAYED, SUPPORT THE CONCLUSION THAT THE 10 PIECE DRESS-UP VANITY SET IS NOT THE SAME CLASS OR KIND AS THE MERCHANDISE COVERED BY THE SCOPE OF THE ANTIDUMPING ORDER ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE "NATURALLY PRETTY" VANITY SETS.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE "NATURALLY PRETTY" VANITY SETS..

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES

THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF CASED PENCILS SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E MAIL THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING THE ATTRIBUTE "HQ OAB."

IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RON TRENTAM AT 202-482-4793, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

NOTE: THIS MESSAGE WAS INADVERTENTLY REMOVED FROM ADIL SO HAS BEEN REPOSTED TO ADIL ON NOVEMBER 28, 2009. THE ORIGINAL MESSAGE WAS SENT TO CMC DIRECTORS, PORT DIRECTORS. DIRECTOR, IMPORT OPERATIONS IS NOW SHOWN AS DIRECTOR, SPECIAL ENFORCEMENT. THE BALANCE OF THE TEXT AND INFORMATION REMAINS UNCHANGED AND MATCHES THE MESSAGE THAT STILL APPEARS ON THE ADD/CVD SEARCH APPLICATION ON CBP.GOV.

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party